

Report Date: September 25, 2007

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

OCT 03 2007

Eastern District of Washington

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Timothy Nash Castilleja

Case Number: 2:02CR02117-001

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley

Date of Original Sentence: 2/4/2003

Type of Supervision: Supervised Release

Original Offense: Distribution of a Controlled
Substance, Cocaine Base, 21 U.S.C. § 841(a)(1)

Date Supervision Commenced: 7/30/2007

Original Sentence: Prison - 51 Months;
TSR - 36 Months

Date Supervision Expires: 5/29/2009

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 20 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 21 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

CAUSE

On August 13, 2007, Mr. Castilleja reported to Merit Resource Services (Merit) and submitted a urine sample which tested presumptive positive for cocaine. The defendant admitted to using cocaine on August 12, 2007, but said he had not used since then. Mr. Castilleja acknowledged having a substance abuse problem and requested an opportunity to participate in a treatment program. As a corrective measure, Mr. Castilleja agreed to complete a substance abuse evaluation and follow through with any recommended treatment. On August 16, 2007, the defendant completed a substance abuse evaluation and commenced an intensive outpatient treatment program at Merit. To date, Mr. Castilleja continues to participate in treatment services at Merit and appears to be doing well at this time. It should be noted the defendant recently started working as a cook at his mother's restaurant in Wapato, Washington.

In addition, recent Ninth Circuit case law requires the Court to specify a specific number of urine tests. Enclosed is a waiver signed by the defendant agreeing to the above modifications of his conditions of supervised release.

Prob 12B

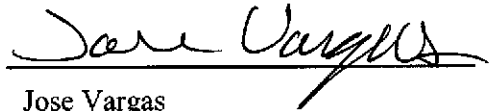
Re: Castilleja, Timothy Nash

September 25, 2007

Page 2

Respectfully submitted,

by



Jose Vargas

U.S. Probation Officer

Date: September 25, 2007

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

October 3, 2007

Date

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

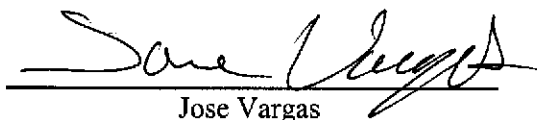
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

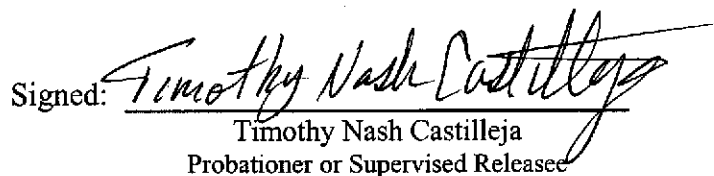
- 20 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 21 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Witness:



Jose Vargas
U.S. Probation Officer

Signed:



Timothy Nash Castilleja
Probationer or Supervised Releasee

September 25, 2007

Date